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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,112	06/27/2001	Philip M. Walker	10005039-1	4872

7590

09/22/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/893,112

**Applicant(s)**

WALKER ET AL.

**Examiner**

Bunjoo Jaroenchonwanit

**Art Unit**

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 17-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/29/05 has been entered.

2. Claims 1-18 are presented for examination; claims 17-18 were previously withdrawn from consideration, based on original presentation. Claims 1-16 are pending for examination.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 12-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 12-16 are not limited to tangible embodiment. In view of Applicant's disclosure, specification, page 9, line 15- page 10, line 5, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., storage media or memory media such as magnetic or optical media or CD-ROM or non-volatile) and intangible embodiments (e.g., digital signals, conveyed via a communication medium such as magnetic, optical, electromagnetic, infrared or propagation medium, electrical connection, optical fiber). As such, the claims are not limited to statutory subject matter and are therefore non-statutory.

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5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. In the Final rejection, Claims 1-3, 6-9, 11-14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansen (US 5,819,042). And claims 4-5, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (US 5,819,042). The rejection is maintained; the rejections and citations, which are applicable, are hereby incorporated by references.

7. In attempting, to overcome the preamble's argument, applicant includes "so as to provide the client on the remote network access to the resource on the local network", however, the added phase merely restates an intended use portion of the preamble in the body of the claim akin to using whereby or wherein clauses, which does not further limiting the claims (*In re Texas Instruments Inc. v. International Trade Commission*, 26 USPQ2d 1018 (Fed. Cir. 1993); *Griffin v. Bertina*, 62 USPQ2d 1431 (Fed. Cir. 2002); *Amazon.com Inc. v. Barnesandnoble.com Inc.*, 57 USPQ2d 1747 (Fed. Cir. 2001). Therefore the claims are remained rejected by the same ground and same rationale.

In addition, applicant alleged that the prior art does not provide access to resource. Examiner also disagreed on this allegation. Since Hansen provides a GUI for enable administrator for configuring network connections, Hansen system is also sending configuration data to configure network device in accordance with the connection shown on the GUI and reverse configuration of network device to update configuration file in central configuration file (Col.6, lines 1-30). Furthermore, throughout Hansen's teaching, which emphasized on configuring network, network devices and providing connection between network devices, which typically, referring as client server or resources. In addition applicant specification does not

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explicitly define the phrase access to resource distinctively from conventional. Therefore, the plain meaning is applied, (MPEP 2111.01; This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). Examiner relied upon "Microsoft Press Computer dictionary," which has given a meaning of "access" as "2. Connection to the Internet or other network or system." Therefore, by definition Hansen's configuring connection of network devices has readily taught access to resource device server router of the like. The same arguments are also applied to the applicant's remark with respect to claim 7-14 and 16.

Examiner suggested that applicant should make clear in the claim that how the access resources can be accomplished by merely drag and drop connections between icon representations of network devices, using GUI from a remote location, to advance prosecution.

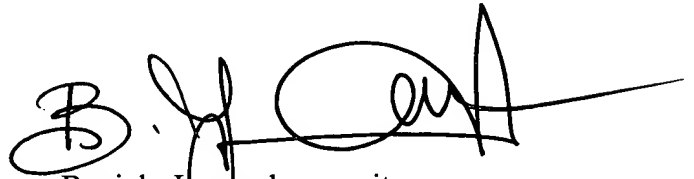
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (571) 272-3913. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'B. Jaroenchonwanit', with a long horizontal line extending to the right.

Bunjob Jaroenchonwanit  
Primary Examiner  
Art Unit 2143

/bj  
9/19/05